

ORDINANCE NUMBER O- 21893 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 15 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE AWARD OF A NINE-YEAR AGREEMENT IN AN AMOUNT NOT TO EXCEED \$63,747,832 WITH REYES CONSTRUCTION, INC. FOR THE SOUTH MISSION BEACH STORM DRAIN AND GREEN INFRASTRUCTURE PROJECT AND RELATED ACTIONS.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. The City of San Diego (City) seeks to improve the storm drainage system in South Mission Beach to prevent continued flooding and avoid property damage affecting residents and business owners.
- B. In May 2024, the City issued an Invitation to Bid (K-24-2115-DBB-3-A-C-) to solicit construction services for storm drain upgrades in South Mission Beach (Project). Four firms submitted proposals and Reyes Construction, Inc. (Reyes) was selected as the lowest responsive bidder.
- C. The City now desires to retain Reyes to provide construction services for the Project. The City and Reyes negotiated a Contract, which is included in the docket materials accompanying this Ordinance. The Contract is for a term of nine years for an amount not to exceed \$63,747,832.
- D. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.
- E. The Contract is subject to San Diego Charter section 99, which provides (subject to certain exceptions) that no contract, agreement, or obligation creating City indebtedness and

extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the Council.

ACTION ITEMS

Be it ordained by the Council of the City of San Diego:

Section 1. The Council approves the Contract.

Section 2. The Mayor, or his designee, is authorized, on the City's behalf, to sign the Contract. When signed by both parties, the Contract will be placed on file in the Office of the City Clerk as Document No. OO- 21893.

Section 3. The Council reaffirms its prior authorization under Ordinance O-21302 (April 14, 2021) to finance the Project with a State Revolving Fund Loan in an amount that was then not expected to exceed \$27,000,000, but is now expected not to exceed \$55,000,000.

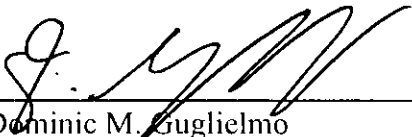
Section 4. The Chief Financial Officer (CFO) is authorized to increase, up to \$28,000,000, the Capital Improvement Program Budget in CIP A-CA.00001, Flood Resilience Infrastructure, and to appropriate and expend the additional not to exceed amount of \$28,000,000 from the South Mission Bay Storm Drain SRF Fund for the purpose of design and/or construction.

Section 5. The Chief Financial Officer is authorized to expend an amount not to exceed \$63,747,832 over the life of the Contract, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year and the Chief Financial Officer first certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Section 6. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Dominic M. Guglielmo
Deputy City Attorney

DMG:hm
October 14, 2024
Or.Dept: Engineering & Capital Projects
Doc. No. 3845074

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____ NOV 12 2024 _____.

DIANA J.S. FUENTES
City Clerk

By  _____
Krystell Medina
Deputy City Clerk

Approved: 11/15/24 _____
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 12 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 15 2024.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 29 2024, and on NOV 15 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy
For Krystell Medina

Office of the City Clerk, San Diego, California

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